

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Eleven 10 LLC,)	Case No. 1:21-cv-2207
)	
Plaintiff,)	Judge Donald C. Nugent
)	
vs.)	
)	
Innovationly SK d.o.o.,)	
dba Aid & Aim Tactical,)	
)	
Defendant.)	

Report of Parties' Planning Meeting
Under Fed. R. Civ. P. 26(f) and L.R. 16.3(b)

Pursuant to Fed. R. Civ. P. 26(f) and LR 16.3(b), a meeting was held on February 24, 2022, and was attended by:

Matthew J. Cavanagh counsel for plaintiff Eleven 10 LLC; and

Jason B. Lattimore counsel for defendant Innovationly SK d.o.o.

2. The parties will exchange the pre-discovery disclosures required by Fed. R. Civ. P. 26(a)(1) and the Court's prior order by March 15, 2022.

3. The parties recommend the following track: Standard.

4. The parties' positions with regard to ADR:

The parties do not believe that ADR would be helpful at this time. Depending on what happens during fact discovery, the parties may be open to ADR later in the case

5. The parties do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

6. Recommended Discovery Plan:

(a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.

The parties intend to seek discovery on all issues raised by the pleadings, including at least the following subjects: trade dress rights, infringement liability, willfulness, and damages. The parties intend to serve written discovery requests (e.g., requests for production of documents, interrogatories, and requests for admission). The parties may issue subpoenas to third parties, may offer expert witnesses on infringement, damages, or other subjects, and likely will take depositions of fact and expert witnesses.

The nature, extent, and subjects of discovery, as listed above, are preliminary only. As such, the scope of discovery may change as the case and discovery proceed. The parties will abide by the Federal Rules of Civil Procedure and any applicable Local Rule with respect to limitations on discovery.

(b) The parties anticipate that discovery will include electronically-stored information, and are working to negotiate an agreed method for conducting discovery of ESI.

(c) Non-Expert Discovery cut-off date: August 26, 2022.

(d) Initial Expert Report (for issues on which a party bears the burden of proof) due date: September 16, 2022.

Rebuttal Expert Report due date: October 21, 2022.

Expert Discovery cut-off date: November 18, 2022.

7. Recommended dispositive motion date: December 23, 2022.

8. Recommended cut-off date for amending the pleadings and/or adding additional parties: May 19, 2022.

9. Recommended date for a Status Hearing: June 5, 2022.

10. Other matters for the attention of the Court: The parties have agreed to service of discovery requests, correspondence and other documents by email or other reliable electronic means, pursuant to Fed. R. Civ. P. 5(b)(2)(E)..

Dated: February 25, 2022

s/ Matthew J. Cavanaugh
Matthew J. Cavanagh (OH 0079522)
MCDONALD HOPKINS LLC
600 Superior Avenue, East, Ste. 2100
Cleveland, Ohio 44114
t 216.348.5400 | f 216.348.5474
mcavanagh@mcdonaldhopkins.com

Counsel for Eleven 10 LLC

Respectfully submitted,

By s/ Jason B. Lattimore
Jason B. Lattimore (NY3976479)
The Law Office of
JASON B. LATTIMORE, ESQ. LLC
55 Madison Avenue, Suite 400
Morristown, NJ 07960
Telephone: (973) 998-7477
Facsimile: (973) 264-1159
Jason@LattimoreLaw.com

Counsel for Innovationly SK d.o.o.